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APPLICATION 1	NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,392		09/11/2003	Katsuya Watanabe	2003_1294A	3776
513	7590	05/10/2006		EXAMINER	
		LIND & PONACK	JONES, CRYSTAL L		
2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021				ART UNIT	PAPER NUMBER
				2627	
				DATE MAILED: 05/10/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/659,392	WATANABE ET AL.				
Office Action Summary	Examiner	Art Unit				
	Crystal Jones	2627				
The MAILING DATE of this communication app	ears on the cover sheet with the	correspondence address				
Period for Reply	(10.057.T0.5VDID510.VT)	VO. 05 T.U5TV (00) 5 V.V.				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATIO B6(a). In no event, however, may a reply be to rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDON	N. mely filed n the mailing date of this communication. ED (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 11 Se	eptember 2003.					
2a) This action is FINAL . 2b) ⊠ This						
3) Since this application is in condition for allowan	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 4	53 O.G. 213.				
Disposition of Claims						
 4) ☐ Claim(s) 1-34 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
 7) Claim(s) is/are objected to. 8) Claim(s) 1-34 are subject to restriction and/or expressions. 	Section requirement					
	neotion requirement.					
Application Papers						
9) The specification is objected to by the Examiner	r.					
10)⊠ The drawing(s) filed on <u>11 September 2003</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.						
Applicant may not request that any objection to the o	- · ·	·				
Replacement drawing sheet(s) including the correcti 11) The oath or declaration is objected to by the Ex-						
Priority under 35 U.S.C. § 119						
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of	· , , , , , , , , , , , , , , , , , , ,	ed				
	22 2334 33p.33 113t 13331V					
Attachment(s)						
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4)					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	· · · · · · · · · · · · · · · · · · ·	Patent Application (PTO-152)				

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species:

The optical disc apparatus of:

- A. Fig. 5 [First Embodiment]; and
- B. Fig. 15 [Second Embodiment].

The species are independent or distinct because Embodiment 1 differs from Embodiment 2 in that it includes an amplifying and AGC unit.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 2, 10, 11, 15, 16, 24, 25, and 29-32 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

2. A telephone call was made to Michael Huppert on May 1, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Crystal Jones whose telephone number is 571-272-2849. The examiner can normally be reached on Monday through Friday, 8:30 a.m. to 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJ

SUPERVISORY PATENT EXAMINED